

REMARKS/ARGUMENTS

An election/restriction requirement was imposed on the grounds that “the application contains claims directed to the following patentably distinct species: **Embodiment 1** -- as described on page 15 of the specification where the first cleaning step is performed before the second cleaning step, and the third cleaning step is performed after the second cleaning [*sic.* step], **Embodiment 2** -- as described on page 16 of the specification where the first cleaning step is performed before the third cleaning step, and the second cleaning step is performed after the third cleaning [*sic.* step], and **Embodiment 3** -- as described on page 16 of the specification where the second cleaning step is performed before the first cleaning step, and the third cleaning step is performed after the first cleaning [*sic.* step].”

The election/restriction requirement imposed herein is traversed for at least the following reasons:

1. The Office Action incorrectly states that “claims to the different species recite the mutually exclusive characteristics of such species” and that “currently there are no generic claims generic.”

In fact, no mutually exclusive characteristics are recited. All claims (Claims 25-64) are generic and, while not required for that purpose, the independent claims all even expressly state that the recited gas passing steps may occur “in any order.” Regardless of which species applicant elects (Embodiment 1, 2 or 3), the same claims will apply.

2. The Office Action incorrectly states that “[t]here is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics” and that the species will require a different field of search, etc.

All pending claims are generic; so, regardless of which species applicant elects, the same requirements for search will apply and the field of search and other issues will be the same.

3. The Office has already examined and searched claims drawn to all embodiments applicable to the election.

The instant application has been in prosecution since 2003 (this is the second RCE), and claims encompassing first, second and third steps without limitation as to order have already been examined and searched multiple times herein, without any requirement being imposed on applicant to elect among species.

Application No. 10/607,905
Response to Election/Restriction Requirement
April 27, 2009

Accordingly, applicant requests withdrawal of the election/restriction requirement, and examination of the application without requirement for election among the indicated species.

Respectfully submitted,

/Warren L. Franz/

Warren L. Franz
Reg. No. 28,716
Texas Instruments Incorporated
PO Box 655474, M/S 3999
Dallas, Texas 75265
972.917.5271